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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,488	05/02/2001	Donald W. Coffland	00-046	6257

26471 7590 02/28/2003

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EXAMINER

GRANT, ALVIN J

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary	Application No. 09/847,488	Applicant(s) COFFLAND ET AL.	
	Examiner Alvin J Grant	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 4, 5 and 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Smyers, Jr. et al. '596.

Referring to claims 1, 2 and 5, Smyers, Jr. et al. discloses a mechanism for providing positive retention and release of a socket or fitting on a power driven nut runner or nut setter utilizing a push rod that interfaces with a sliding post or pin having mating surfaces for developing movement in perpendicular directions; and comprising first and second pieces, the first piece comprising a sliding shaft, the second piece comprising a post or pin, and the first and second pieces moving perpendicular to each other when the mating surfaces of the first and second pieces are engaged (Fig.: 2); the shaft has a full or partial cross section other than of round configuration for preventing a binding rotation when the sliding shaft interfaces with a similar cross sectional area inside a tool head or housing thereby allowing the mating surfaces which provide the perpendicular motion component to provide alignment for smooth motion (Fig.: 4; and column 3, lines 38-55).

Referring to claim 6, Smyers Jr. et al. discloses a method for retracting a socket retention post in a torque tool head comprising the steps of: providing a spring-loaded pushbutton pin through the torque tool head which mates with a socket retention post; depressing the spring loaded pushbutton pin to draw the socket retention post inward via an inclined surface thereby allowing the socket to be removed or installed; and, removing or installing the socket thereby providing spring return of the spring-loaded pushbutton pin to initial position locking the socket retention post in the outward position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers, Jr. et al. in view of Herman et al. '005.

Smyers, Jr. et al. is described above. Smyers J. et al. does not specifically disclose a method of encapsulating the push button but Herman et al. does. Herman et al. discloses an apparatus and a method associated therewith for encapsulating the actuator to protect against inadvertently releasing a socket during use (Abstract; and column 3, line 67 to column 4, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Smyers, Jr. et al. to encapsulate the actuator as taught by Smyers Jr. et al. so as to protect against inadvertently releasing a socket during use.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers, Jr. et al. in view of Harper '638.

Smyers, Jr. et al. is described above. Smyers Jr. et al. does not disclose a nut runner gear but Harper does. Harper discloses a conversion device for drills comprising a nut runner gear that transmits motor driven power to the drive. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Smyers, Jr. et al. to include a nut runner gear as taught by Harper so as to transmit motor driven power to the drive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3588 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1184.

ajg
February 23, 2003



Joseph J. Hail, III
Supervisory Patent Examiner
Technology Center 3700